

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 511 – SB 653

April 1, 2013

SUMMARY OF ORIGINAL BILL: Increases, from 60 to 75 days, the time period that a chief administrative officer of a county highway department has to complete an inventory of all machinery, equipment, tools, supplies, and materials after taking office. The completed inventory shall be provided to the county legislative body and the chief executive officer of the county.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004849): Deletes all language after the enacting clause. Increases the punishment for vandalism of state highway structures, from a Class A misdemeanor, and for unauthorized erection of any marker upon the right-of-way of any state highway, from a Class C misdemeanor, to an offense punishable as theft of property ranging from a Class A misdemeanor to a Class A felony, depending on the value of the property. Increases the punishment for vandalism of county highway structures, from a Class C misdemeanor, to an offense punishable as theft of property ranging from a Class A misdemeanor to a Class A felony, depending on the value of the property. Authorizes the state and counties to seek compensation for damage to state and county highway structures. Requires that any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for vandalism of county highway structures, to receive a \$250 award from the proceeds of the fines collected under this section. Requires such proceeds to be collected by the respective county clerks and deposited in a dedicated county fund, whose funds shall not revert to the county general fund.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$56,700/Incarceration*

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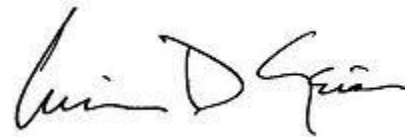
Assumptions for the bill as amended:

- Any administrative or fiscal impact on the Department of Transportation as a result of this bill as amended will be not significant.
- Any administrative or fiscal impact on the Department of Safety as a result of this bill as amended will be not significant.
- Any administrative or fiscal impact on the local government as a result of this bill as amended will be not significant.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- According to the Administrative Office of the Courts (AOC), there has been an average of 0.2 convictions for vandalism of public highway structures under Tenn. Code Ann. § 54-1-134 over the last five years. The AOC's statistics represent convictions at the state trial court level. It is assumed that the number of convictions in state trial court represents 10 percent of the convictions at the general sessions court level. It is assumed that there will be two total Class E felony convictions each year for violations of Tenn. Code Ann. § 54-1-134.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class E felony is 1.21 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders serving 1.21 years. The cost per offender at 1.21 years (441.95 days) is \$28,360 (\$64.17 x 441.95). The cost for two offenders is \$56,720 (\$28,360 x 2).
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or a reduced reversion.
- There will not be a sufficient number of prosecutions for local government to experience any significant increase in revenue or expenditures.

*Tennessee Code Annotated, Section 9-4-210, requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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